

Harijot S. Khalsa, Esq. (SBN 277242)
Debbie P. Kirkpatrick, Esq. (SBN 207112)
Damian P. Richard, Esq. (SBN 262805)
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.
1545 Hotel Circle South, Suite 150
San Diego, CA 92108
Tel: 619/758-1891
Fax: 619/296-2013
hskhalsa@sessions-law.biz
dkirkpatrick@sessions-law.biz
drichard@sessions-law.biz

Attorney for Genesis Bankcard Services, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SONYA TORRES, an individual,

Plaintiff,

vs.

GENESIS BANKCARD SERVICES,
INC., an Oregon Corporation, and
DOES 1-20, inclusive,

Defendants.

Case No.: **'15CV2045 H JMA**

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b)
[DIVERSITY]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT defendant Genesis Bankcard Services, Inc.
("GBS") hereby removes to this Court the state court action described below.

1 1. This action is a civil action of which this Court has original
2 jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this
3 Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a
4 civil action between citizens of different states and the matter in controversy
5 exceeds the sum of \$75,000, exclusive of interests and costs.
6
7

8 2. On or about July 28, 2015 the action was commenced in the Superior
9 Court of the State of California, County of San Diego, entitled, *Sonya Torres v.*
10 *Genesis Bankcard Services, Inc. and Does 1-20, inclusive*, Case No. 37-2015-
11 00025155-CU-CL-CTL (the “State Court Action”). A copy of the Plaintiff’s
12 Summons and Complaint (“Complaint”) is attached hereto as Exhibit A.
13
14

15 3. The date upon which GBS first received a copy of the said Complaint
16 was August 13, 2015, when GBS received a copy of the summons and Complaint,
17 along with a Notice and Acknowledgment of Receipt – Civil. GBS signed and
18 returned the Notice and Acknowledgment of Receipt – Civil on August 27, 2015,
19 which is the date on which service was effectuated.
20
21

22 4. Complete Diversity of Citizenship exists in that: Plaintiff Sonya
23 Torres is a citizen of the State of California; and Defendant GBS is a citizen of the
24 State of Oregon; Defendant GBS is an Oregon corporation with a principal place of
25 business in Oregon.
26
27
28

1 5. The amount in controversy exceeds the sum of \$75,000.00, as
2
3 Plaintiff has alleged that she has been damaged in an amount no less than
4 \$250,000.00. (See Complaint ¶¶ 34, 42)

5 6. A copy of this Notice of Removal is being served upon Plaintiff and
6
7 will be filed in the State Court Action.

8 7. The State Court Action is located within the Southern District of
9
10 California. Therefore, venue for purposes of removal is proper because the United
11 States District Court for the Southern District of California embraces the place in
12 which the removed action was pending.

13
14 8. Removal of the State Court Action is therefore proper under 28 U.S.C.
15 §§ 1441 and 1446.

16
17 Dated: 9/14/15

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.

18
19 /s/Harijot S. Khalsa

20 Harijot S. Khalsa

21 Attorney for Defendant

22 Genesis Bankcard Services, Inc.
23
24
25
26
27
28